



#14

PATENT

Attorney Docket No. 26704.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Zucker et al.

Serial No.: 09/100,671

Filed: June 19, 1998

For: THIRD PARTY PRIVACY SYSTEM

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§

Group Art Unit: 2785

Examiner: N/A

RECEIVED**APR 17 2001****OFFICE OF PETITIONS**

Box DAC
Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)

Dear Sir:

Assignee, by its attorney of record, hereby petitions the Commissioner for reconsideration of petition under 37 CFR 1.47(a).

The name and last known address of the non-signing inventor is as follows:

Jeffrey Zucker
6036 Thursby
Dallas, TX 75248

Attached is an Affidavit of Ruben C. DeLeon including proof that Jeffrey Zucker refuses to sign the Declaration.

Assignee believes to be entitled to make such application on behalf of Jeffrey Zucker pursuant to 37 C.F.R. §1.47(a).

Based upon the foregoing, Assignee is entitled to clear title to the invention and to the above-identified patent application and to any patent that issues thereon.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 08-1394 associated with this communication.

Respectfully submitted,



Ruben C. DeLeon
Registration No. 37,812

Date: _____

4/10/01

HAYNES AND BOONE, L.L.P.
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 214/651-5544
Facsimile: 214/651-5940
File: 26704.7
D-887477.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner For Patents, Washington, D.C. 20231

on

April 10, 2001

Ruben C. DeLeon



PATENT
Attorney Docket No. 26704.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Zucker et al. § Group Art Unit: 2785
Serial No.: 09/100,671 § Examiner: N/A
Filed: June 19, 1998 §
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RECEIVED
APR 17 2001
OFFICE OF PETITIONS

AFFIDAVIT OF RUBEN C. DELEON

Box DAC
Commissioner for Patents
Washington, DC 20231

1. I am an associate in the law firm of Haynes and Boone, LLP, 901 Main Street, Dallas, Texas 75202.

2. On March 13, 2001, we tried to deliver to Jeffrey Zucker a copy of the referenced patent application for review and a Declaration and Power of Attorney for signature. Our courier service, Special Delivery, tried to deliver the package at 2:48 PM. No one was home at that time. Special Delivery tried again on March 13, 2001, at 7:30 PM. Mr. Zucker's wife was home and called Mr. Zucker at work. Mr. Zucker said that he wanted to speak with someone at Haynes and Boone before he signed for any package. Therefore, the package was not delivered. A copy of the letter to Mr. Zucker and the Special Delivery receipts are attached (Exhibit A).

3. I spoke with Mr. Zucker shortly after the courier tried to deliver the package and told Mr. Zucker that we would try to find the Declaration and Power of Attorney that he had allegedly signed before.

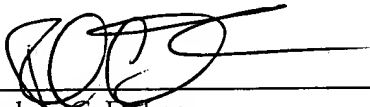
4. On April 2, 2001, we again tried to deliver to Jeffrey Zucker a copy of the patent application for review and a Declaration and Power of Attorney for signature. Special Delivery tried at 6:35 PM to deliver the package and Mr. Zucker was not home. The package again was not delivered. A copy of the letter and the Special Delivery receipt are attached. (Exhibit B).

5. I received a voicemail from Mr. Zucker asking me to deliver any packages to his attorney Mr. Tom Whelan of McGuire, Kraddock and Strother.

6. On April 3, 2001, we delivered to Mr. Tom Whelan of McGuire, Kraddock and Strother, attorney for Jeffrey Zucker, a copy of the patent application for Mr. Zucker's review and a Declaration and Power of Attorney for his signature. Attached is a copy of the letter to Mr. Whelan and the Special Delivery receipt (Exhibit C).

7. On April 10, 2001, I had a telephone conference with Mr. Tom Whelan and told Mr. Whelan that I had to file this affidavit today or submit Mr. Zucker's executed Declaration and Power of Attorney, but he chose not to provide us with Mr. Zucker's executed Declaration and Power of Attorney.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Ruben C. DeLeon

4/10/01

Date

D-887486.1

Exhibit A

March 12, 2001

Via Hand Delivery

Mr. Jeffrey Zucker
6036 Thursby
Dallas, TX 75248

Re: U.S. Patent Application
Serial No.: 09/100,671 Filed: June 19, 1998
Entitled: THIRD PARTY PRIVACY SYSTEM
Our ref.: 26704.7

Dear Mr. Zucker:

As you know, the above-identified patent application became abandoned for failure to timely file the executed Declaration. Therefore, enclosed is a copy of the above-identified patent application for your review and the Declaration which must be executed and returned to me for filing. Also enclosed is a self-addressed stamped envelope for your convenience.

If you we do not receive the executed Declaration by **March 26, 2001**, we will treat your non-answer as a refusal to sign the Declaration, and we will proceed accordingly.

Very truly yours,



Ruben C. DeLeon
Direct Phone Number (214) 651-5544
Direct Fax Number (214) 200-0754
deleonr@haynesboone.com

RCD/ar
Enclosures
D-877579.1

Attorneys

901 Main Street Suite 3100 Dallas, Texas 75202-3789
Telephone [214] 651.5000 Fax [214] 651.5940 <http://www.haynesboone.com>

SPECIAL DELIVERY		For Pick-Up Call (214) 904-9200 Instructions / Reference No. 1 - ON 26704-7		COMPANY USE ONLY ACCOUNT NUMBER 2146515000 03/30/01 MONTH DAY YEAR ORDER NUMBER 0720588 12:14 PM TIME DELIVERED MISCELLANEOUS LBS MIN \$ CHARGES CD TM ZONE DRIVER 1 139 \$ 1231.80 TOTAL CHARGE	
		PICK UP FROM: Name Company HAYNES AND BOONE Address 901 MAIN ST. SUITE 3100 City DALLAS, TEXAS Zip 75202 X FRONT DESK SIGNATURE <small>The Liability of Special Delivery Service, Inc. is limited to the sum of \$1,000.00. Claims must be made within 72 hours.</small>		DELIVER TO: Name Company Jeffrey Zucker Address 6036 Thuesby City Dallas Zip 75248 X NO ONE HOME - PUT IN ALPHA X BOX FOR DELIVERY LATER SIGNATURE <small>© Special Delivery Service, Inc.</small>	

ORIGINAL

SPECIAL DELIVERY		For Pick-Up Call (214) 904-9200 Instructions / Reference No. Not Home Spoke with Jeff or phone What's a phone call		COMPANY USE ONLY ACCOUNT NUMBER 2146515000 03/15/01 MONTH DAY YEAR ORDER NUMBER 07207012 7:30 AM TIME DELIVERED MISCELLANEOUS LBS MIN \$ CHARGES CD TM ZONE DRIVER 03 125 \$ 35.70 TOTAL CHARGE	
		PICK UP FROM: Name April Benson Company Haynes + Boone Address 901 MAIN 31 City Dallas Zip 75202 X SIGNATURE <small>The Liability of Special Delivery Service, Inc. is limited to the sum of \$1,000.00. Claims must be made within 72 hours.</small>		DELIVER TO: Name Jeffrey Zucker Company Address 6036 Thuesby City DALLAS Zip 75248 X Could not deliver SIGNATURE <small>© Special Delivery Service, Inc.</small>	

ORIGINAL Could not del.

901 Bay box

Exhibit B

April 2, 2001

Via Hand Delivery

Mr. Jeffrey Zucker
6036 Thursby
Dallas, TX 75248

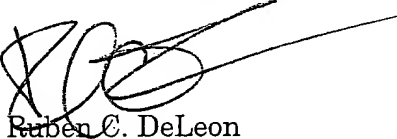
Re: U.S. Patent Application
Serial No.: 09/100,671 Filed: June 19, 1998
Entitled: THIRD PARTY PRIVACY SYSTEM
Our ref.: 26704.7

Dear Mr. Zucker:

As you know, the above-identified patent application became abandoned for failure to timely file the executed Declaration. Therefore, enclosed is a copy of the above-identified patent application for your review and the Declaration which must be executed and returned to me for filing. Also enclosed is a self-addressed stamped envelope for your convenience.

If you we do not receive the executed Declaration by April 6, 2001, we will treat your non-answer as a refusal to sign the Declaration, and we will proceed accordingly.

Very truly yours,



Ruben C. DeLeon
Direct Phone Number (214) 651-5544
Direct Fax Number (214) 200-0754
deleonr@haynesboone.com

RCD/ar
Enclosures
D-877579.1

Attorneys

901 Main Street Suite 3100 Dallas, Texas 75202-3789

Telephone [214] 651.5000 Fax [214] 651.5940 <http://www.haynesboone.com>

SPECIAL DELIVERY

PICK UP FROM:

Name

Company **HAYNES AND BOONE**

Address **901 MAIN ST. SUITE 3100**

City **DALLAS, TEXAS** Zip **75202**

X

SIGNATURE

For Pick-Up Call (214) 904-9200
Instructions / Reference No.

26704.7

DELIVER TO:

Name

Company **Jeffrey Zucker**

Address **6036 Thursday**

City **Dallas** Zip **75238**

X ATT: Mr Zucker not home

SIGNATURE

COMPANY USE ONLY

ACCOUNT NUMBER

2146515000

0140201

MONTH DAY YEAR

ORDER NUMBER

0920A30

16:135 AM/PM

TIME DELIVERED

MISCELLANEOUS

LBS

MIN

\$

CHARGES

CD TM ZONE DRIVER

2 1187

\$ 32.25

TOTAL CHARGE

The Liability of Special Delivery Service, Inc. is limited to the sum of \$1,000.00. Claims must be made within 72 hours.

© Special Delivery Service, Inc.

Exhibit C

April 3, 2001

Via Courier

Tom Whelan
McGuire, Kraddock and Strother
500 N. Akard, Suite 3550
Dallas, TX 75201

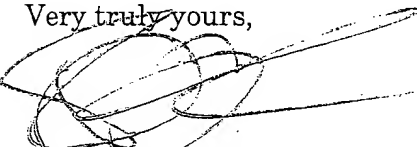
Re: U.S. Patent Application
Serial No. 09/100,671 Filed: June 19, 1998
Entitled: THIRD PARTY PRIVACY SYSTEM
Our ref.: 26704.7

Dear Mr. Whelan:

Enclosed is the above-identified patent application, and a declaration. Please have Jeffrey Zucker review the application, execute the Declaration, and return to us as soon as possible. Also enclosed is a self-addressed stamped envelope for your convenience.

If you have any questions, please contact us.

Very truly yours,



Ruben C. DeLeon
Direct Phone Number (214) 651-5544
Direct Fax Number (214) 200-0754
deleonr@haynesboone.com

RCD/ar
Enclosures
D-885241.1

Attorneys

901 Main Street Suite 3100 Dallas, Texas 75202-3789
Telephone [214] 651.5000 Fax [214] 651.5940 <http://www.haynesboone.com>

SPECIAL DELIVERY

PICK UP FROM:

Name _____
Company HAYNES AND BOONE
Address 901 MAIN ST, SUITE 3100
City DALLAS, TEXAS Zip 75202

X Vicki Kraja
SIGNATURE

The Liability of Special Delivery Service, Inc. is limited to the sum of \$1,000.00. Claims must be made within 72 hours.

For Pick-Up Call (214) 904-9200

Instructions / Reference No.

26704.7

DELIVER TO:

Name _____
Company McGuire Craddock
Address 500 N. Akard #3550
City Dallas Zip 75201

X Vicki Kraja
SIGNATURE

COMPANY USE ONLY

ACCOUNT NUMBER

2146515000

040301

MONTH DAY YEAR

ORDER NUMBER

0930912

TIME DELIVERED

14:50 AM/PM

MISCELLANEOUS

LBS

MIN

\$

CHARGES

ON TR ZONE DRIVER

512.130

\$

117.50

TOTAL CHARGE

© Special Delivery Service, Inc.

ORIGINAL V Kraja